

FILED Catawba County

on Feb 21, 2014 at 10:29:00 am

Excise Tax \$0.00 (AT)

INST. # 02514

DONNA HICKS SPENCER,  
Register of Deeds

Ek 03230 Pg 1019-1028

Drawn by: Terry M. Taylor, Esq., Young, Morphis, Bach & Taylor, LLP, PO Drawer 2428, Hickory, NC 28603

**AMENDMENT TO BYLAWS AND DECLARATION  
2200 LAKESIDE CONDOMINIUM HOMEOWNER'S ASSOCIATION, INC.  
AND 2200 LAKESIDE CONDOMINIUMS**

This Amendment to the Bylaws and Declaration of 2200 Lakeside Condominium Homeowner's [sic] Association, Inc. and 2200 Lakeside Condominiums (the "Association") is made and entered into the last day of execution set forth below by the Member Unit Owners and the Association, by and through its Board of Directors and Officers, pursuant to the terms and conditions of amendment set forth in the Declaration and Bylaws.

**PREAMBLE**

WHEREAS, Lakeside Homeowner's [sic] Association, Inc., a North Carolina corporation, executed and adopted the Bylaws of 2200 Lakeside Condominium Homeowner's [sic] Association, Inc. and 2200 Lakeside Condominium on or about September 13, 1984, being more particularly described in Deed Book 1372 at Page 54 of the Catawba County Registry (the "Bylaws");

WHEREAS, Lakeside Homeowner's [sic] Association, Inc., a North Carolina corporation, executed and adopted the Declaration of the 2200 Lakeside Condominium on or about September 13, 1984, being more particularly described in Deed Book 1372 at Page 48 of the Catawba County Registry (the "Declaration");

WHEREAS, Article I, Section 4 of the Bylaws provides:

Section 4. Common Expenses: (a) All expenses incidental to the administration, maintenance, repairs and replacement of the Common Area and Facilities; (b) expenses determined by the Association to be Common Expenses and which are lawfully assessed against the Unit Owners; and (c) expenses declared to be Common Expenses by the provisions of the Unit Ownership Act or the Condominium Documents.

WHEREAS, Article XIV, Section 1 provides:

Section 1. Annual Assessments: No later than December 15 of each year the Board of Directors shall give written notice to the Unit Owners of the annual assessment fixed against each Unit for the immediately succeeding calendar year, [sic] In fixing the annual assessment for each calendar year, the Board shall first estimate the Common Expenses for such year and shall then estimate the cash required to meet such Common Expenses. In determining the cash requirement the Board shall include a reasonable reserve for contingencies and replacements and shall deduct any expected income and surplus from the prior year's fund. The portion of such estimated cash requirement assessed against each Unit shall be determined by the Percentage Interest of such Unit....

WHEREAS, Article XX, Section 1, of the Bylaws provides that subject to the provisions of Article X of the Declaration, the Bylaws may be amended at any time by recording an instrument signed and acknowledged by Unit Owners holding at least sixty percent (60%) of the vote in the Association, provided however, where a larger vote in the Association is required for the Association to take or refrain from taking a specific action, as set forth in the Bylaws, no amendment of the Bylaws shall be made unless and until the owners holding such larger percentage of the vote in the Association execute said amending instrument;

WHEREAS, Article X of the Declaration provides that the Declaration may be amended at any time by recording an instrument in writing signed and acknowledged by unit owners holding at least seventy five percent (75%) of the total votes in the Association, provided that each unit owner's percentage interest in the voting rights regarding the common elements as set forth in Exhibit "B" to the Declaration shall not be altered except with the unanimous consent of all unit owners expressed in an amended Declaration duly recorded;

WHEREAS, it is the desire of the Association and the Member Unit Owners, as evidenced by the written consents incorporated herein by reference and attached hereto as Exhibit "1," to amend the Declaration and Bylaws to provide that Annual Assessments shall be assessed equally against each of the eight (8) Unit Owners with the exception of the Casualty Insurance, which premium expense shall continue to be determined by the Percentage Interest of each Unit as was originally set forth in Exhibit "B" to the Declarations and recorded in Book 1372 at Page 53 of the Catawba County Registry.

NOW, THEREFORE, for and in consideration of the execution of this Amendment, the covenants contained herein, and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, and pursuant to the Declaration and Bylaws, the above paragraphs of the Preamble are hereby incorporated into this Amendment and the Declaration and Bylaws are hereby amended in the following respects:

Article XIV, Section 1 of the Bylaws shall provide as follows:

Section 1. Annual Assessments: No later than December 15 of each year the Board of Directors shall give written notice to the Unit Owners of the annual

assessment fixed against each Unit for the immediately succeeding calendar year. In fixing the annual assessment for each calendar year, the Board shall first estimate the Common Expenses for such year and shall then estimate the cash required to meet such Common Expenses. In determining the cash requirement the Board shall include a reasonable reserve for contingencies and shall deduct any expected income and surplus from the prior year's fund. The portion of such estimated cash requirement assessed against each Unit shall be assessed equally against each of the eight (8) Unit Owners with the exception of the Casualty Insurance, which shall continue to be determined by the Percentage Interest of each Unit as set forth in Exhibit "B" to the Declarations and recorded in Book 1372 at Page 53 of the Catawba County Registry.

To the extent not amended herein, the remaining provisions of the Declaration and Bylaws shall remain in full force and effect. The definition of words contained in the Declaration and Bylaws shall apply to the words and terms used in this Amendment, and are therefore incorporated herein by reference to the same extent as if set forth herein in their entirety.

IN WITNESS WHEREOF, Member Unit Owners and the Association have caused this Amendment to the Declaration and Bylaws, consented to and approved by 87.5% of the Member Unit Owners at a duly called and noticed meeting, according to said Declaration and Bylaws, Now, Therefore; heretofore executed by its duly authorized Officers, all by proper authority of the Board of Directors, as of the last day of execution set forth below.

This the 6<sup>th</sup> day of February, 2014.

2200 LAKESIDE CONDINIUM  
HOMEOWNER'S ASSOCIATION, INC.

By: Carol McConnell  
Name: Carol McConnell  
Title: President

STATE OF NORTH CAROLINA  
COUNTY OF CATAWBA

I, Tracy S. Poteat, Notary Public for Catawba County, North Carolina, do hereby certify that Carol McConnell personally came before me this day and acknowledged that she is President of 2200 Lakeside Condominium Homeowner's Association, Inc. and that she, as President of 2200 Lakeside Condominium Homeowner's Association, Inc., being authorized to do so, executed the foregoing on behalf of the Corporation.

WITNESS my hand and Notarial Seal, this 6<sup>th</sup> day of February, 2014.

Tracy S. Poteat  
Notary Public  
Print Name: Tracy S. Poteat  
My Commission expires: March 31, 2016



This is hereby to confirm a ~~unanimous~~ consent of all Unit Owners to amend these Bylaws and Declarations as evidenced by our signatures hereto.

*Horace Manning Greene by Elizabeth G. Thompson (POA)*  
Horace Manning Greene, by and through  
His Attorney-in-Fact, Elizabeth G. Thompson

STATE OF NORTH CAROLINA  
COUNTY OF Catawba

I Lisa A. Cummings, a Notary Public of Catawba County, North Carolina, hereby certify that **Elizabeth G. Thompson**, attorney-in-fact for **Horace Manning Greene**, personally appeared before me this day and being by me duly sworn, says that she executed the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said **Horace Manning Greene**, and that her authority to execute and acknowledge said instrument is contained in a document duly executed, acknowledged, and recorded in the Office of the Register of Deeds in the County of Catawba, State of North Carolina, in Book 3083, Page 1034 on the 14<sup>th</sup> day of July, 2011, and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney.

Witness my hand and official seal or stamp, this the 11<sup>th</sup> day of February, 2014.



Lisa A. Cummings  
Notary Public  
My Commission Expires: April 21, 2016

This is hereby to confirm a ~~unanimous~~ consent of all Unit Owners to amend these Bylaws as evidenced by our signatures hereto, and Declarations as evidenced by our signatures hereto.

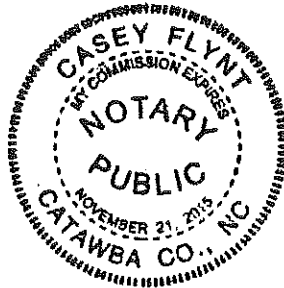
Ronald H. McConnell (SEAL)  
Ronald H. McConnell

Carol C. McConnell (SEAL)  
Carol C. McConnell

STATE OF NORTH CAROLINA  
COUNTY OF Catawba

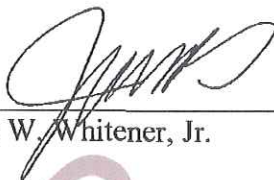
I Casey Flynt, a Notary Public of Catawba County, North Carolina, certify **Ronald H. McConnell and Carol C. McConnell** personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this the 21<sup>st</sup> day of December, 2013.



Casey Flynt  
Notary Public  
My Commission Expires: 11/21/2015

This is hereby to confirm a ~~unanimous~~ consent of all Unit Owners to amend these Bylaws as evidenced by our signatures hereto, and Declarations as evidenced by our signatures hereto.

  
\_\_\_\_\_  
Jacob W. Whitener, Jr. (SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF Catawba

I Mai Lao Chang, a Notary Public of Catawba County, North Carolina, certify **Jacob W. Whitener, Jr.** personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this the 30<sup>th</sup> day of Nov, 2013.



  
\_\_\_\_\_  
Notary Public  
My Commission Expires: Oct. 24, 2017

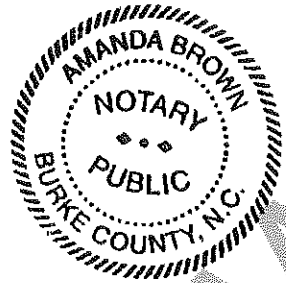
This is hereby to confirm a unanimous consent of all Unit Owners to amend these Bylaws as evidenced by our signatures hereto and Declarations as evidenced by our signatures hereto.

John Mark Russell (SEAL)  
John Mark Russell

STATE OF NORTH CAROLINA  
COUNTY OF Catawba

I Amanda Brown, a Notary Public of Catawba County, North Carolina, certify **John Mark Russell** personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this the 6 day of January, 2014.



Amanda Brown  
Notary Public  
My Commission Expires: May 27 2018

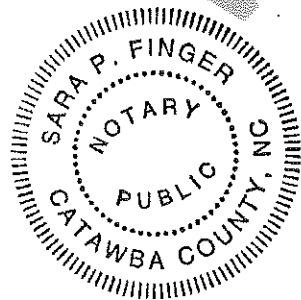
This is hereby to confirm a ~~unanimous~~ consent of all Unit Owners to amend these Bylaws as evidenced by our signatures hereto. and Declarations as evidenced by our signatures hereto.


 (SEAL)  
Denise Burchette

STATE OF NORTH CAROLINA  
COUNTY OF Catawba

I Sara P. Finger, a Notary Public of Catawba County, North Carolina, certify **Denise Burchette** personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this the 3rd day of December, 2013.



  
Notary Public  
My Commission Expires: April 18, 2015



This is hereby to confirm a ~~unanimous~~ consent of all Unit Owners to amend these Bylaws as evidenced by our signatures hereto. and Declarations as evidenced by our signatures hereto.

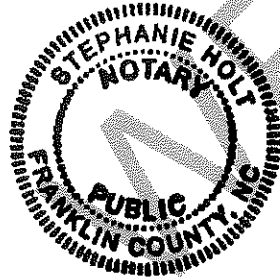
Leland Levi Sanders (SEAL)  
Leland Levi Sanders

Alease Bass Sanders (SEAL)  
Alease Bass Sanders

STATE OF NORTH CAROLINA  
COUNTY OF Wake

I Stephanie Holt, a Notary Public of Franklin County, North Carolina, certify Leland Levi Sanders and Alease Bass Sanders personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this the 9<sup>th</sup> day of January, ~~2013~~ <sup>2014</sup> ~~ST~~



Stephanie Holt  
Notary Public  
My Commission Expires: September 15, 2018

This is hereby to confirm a unanimous consent of all Unit Owners to amend these Bylaws as evidenced by our signatures hereto, and Declarations as evidenced by our signatures hereto.

Glenn J. Huffman (SEAL)  
Glenn J. Huffman

STATE OF NORTH CAROLINA  
COUNTY OF Burke

I Kaye Owenby, a Notary Public of McDowell County, North Carolina, certify Glenn J. Huffman personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this the 29 day of August, 2013.

**Kaye Owenby  
NOTARY PUBLIC  
McDowell County, NC**

Kaye Owenby  
Notary Public  
My Commission Expires: 6/18/16